KENNEDY'S DEFENSE: WAS NOT IN HOTEL ON NIGHT OF MURDER.



coming close to the witness, "that this KENNEDYS FEEL murder was not discovered until after 10 o'clock on the morning of Aug. 16" Well, I read it, anyway, It may

Finley's Story. Thomas J. Finley, in the livery busi-ness at St. George, Staten Island, was the next witness called. He was asked

the next witness called. He was asked to tell his own story.
"He came off the boat which arrives at St. George at 12.15. He wore a coat buttoned up around his neck and had on a dark derby hat. He seemed to be under the influence of liquor."

Q. Do you remember my asking you at the time for a new trial, what was the color of Dr. Kennedy's hairs. A. Yes.

Q. Did you say it was fair? A. Yes.

Edward Burns, of Port Richmond. S. L. a produce dealer, was next called "On the morning of Aug. 16," he said took various roads until I go, to the corner of Clove and Richmond roads. Clove road is the nearest road to the boat. I stopped there to give my horse a drink. A gontleman came across the road, I didn't know at that time who the gentleman was."

Believue nurse on trial for causing the death of Louis II. Hilhard in the insine death of Lo

is right witness. Q. About what time was that? A

"Oh, that was when I bus ed up a xed-ale party," said Barns.

"Oh, that was when I bus el up a mixed-ale party, said Barns.

The winess was a rough-and-rady chicomer, whose bolst rous manner w siccentuated by Mr. Melinture's questions, concerning his past. Once Justice Pursman threatened him with fail because he would not ceuse his explanations.

Q. How was this man deesed when you saw him on the Clove road? A. His had on black derby hat, his cout and yest, wes open. He had bushy hair and a light moustache.

Q. You saw all this? A. I see more than that.

Q. Never mind, How did this man.

"What kind of long y develop to drank alexant?" "A dilated, fail fard the latter was very violent.

topsy develop for a man who continually drank also not?' Mr. Wellman asked. Infin that.

Q. Never mind. How did this man act? A. He acted as if he was dazed.

Q. How did you come to get into this case?

A. I'm a volunter witness. I went to Howe & Hummel's office to flad out where I could give my information. heart was in this way.

George A. Hanseom, a private in the

How He Identified Kennedy. When Mr. McIntyre was anished Mr. Moore took, the witness in hand to explain how he came to identify Kennedy. "Ar. Moore took me to the Tombs and the Dendity Warden took me down to the code. There I looked in each one actil I found the man I was looking for. And that was the man," pointing to Kennedy.

Alles Haurathy, of Grant City, Staen

rest in the morning papers next day, and that recalled to my mind the fact of key meeting him."

Q. Oh, you read it in the morning paper? A. Yee, sir.

Q. At what time? A. Oh, about 5 in-day, as an adjournment was taken in the morning paper?

TENSE STRAIN

fr. McIntyre cross-examined.

Itered threads of evidence by calling Edd with was arraigned in a police court, of a coroner and was tried before a coroner and was tried before a currencer in the first dec. lift you not? A. Yes, sir.

But you didn't come here and test.

A. I did not.

Who brought you the affidavit the wrong route and came face to face with Dr. and Mrs. Kennedy.

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Who brought you the affidavit the year.

Only a few questions were asked of make perfect the identity of Dolly Reynolds for the defendant of the witness grew angry had to be cautioned by the Court, he witness was asked if it wasn't test that he did not make his affidavit it after he had seen a photograph of dentist.

DEFENSE BEGINS

Claim that Hilliard Re-

ceived Injuries in a

Fight with Soldiers.

The prosecution rested their case this

"A dilated, flabby heart," was the re-

opposite New Rochelle, was the next

lard aboard the steamboat Puritan on

"Hilliard was drunk on board the

witness. Hanscom said he had met Hill

Dec 10. Both came from Boston.

"What is material?" asked Justice Fursinan, addressing Mr. Hennessey

| Capt. Price and Detective Carey found straint of trade, thereby proving Melville at a hotel in Sanford. Melville

of final to 'steal' him. The lawyers of defense made a bast grack in indigental that the police got Melville out way, and find the lawyers that wouldn't bring Melville back I farm and Western Railroad. He testified that In 1900 his company did 3.73 for testimony must be heard on the and such an aspersion of the country. Scranton, Pa.,

Q. How was it you didn't testify lat ne previous trial? A. I didn't realize ow important my testimony was. WIRSE DAVIS'S COLER NOT "SEEN" BY MR. M'LAUGHLIN.

Declares He Has Had No Conferences that the Elkhill Coal and Iron Company About the Mayoralty Nomination.

"I have not been offered the nomina-, now. I am not looking for, nor do I "Look at it." said Mr. McIniyre, swinging around and pointing at Kennedy. "Dou you call that hair fair."
"No, sir."
"No, sir."
"No, sir."
"No, sir."
"No, sir."
"Ex-Convict Witness.
"The defense of Jesse R. Davis, the death of Louis II. Hilliard in the insane paytion at Bellevue nurse on trial for causing the death of Louis II. Hilliard in the insane paytion at Bellevue, began his after.

"Look at it." said Mr. McIniyre, said Mr. McIniyre, said Company around and pointing at Kennedy. "Dou you call that hair fair."

The defense of Jesse R. Davis, the Bellevue nurse on trial for causing the law of the Brooklyn Democrats, "said Company and In not loosing for, nor do 1 in the loosing for nor do 1 i

the gentleman was. The prosecution rested their case this Q. Do you see that gentleman here morning with Dr. Donlin as their last nurse in the insane paylion at the time now? A. Yes, sir; there he is right winness. It is the intention of the defense to of Hilliard's death, testified that on Q. About what time was that? A prove that filliard received the infew minutes before.

M. McIntyre cross-examined, Q. Burns, you gave been in july several times?

A. Have I?

Q. Q. Yes You have. A. Well tell us.
"Well in -86 you were committed for."

Who is way to this eity on a Fall River.

Will am Jackson, telephone operator at the Hoffman House, is ill with

A. Have 17
Q. Q. Yes You have. A. Well tell us. Well in -864 you were committed for robbery were you not," said Mr. Melntyre.

"Yes sir and got an honorable discharge for it."

"How long did you serve?"

"How long did you serve?"

"Five years and six months.

Mr. Melntyre went on and named one of whother things against Burns, one of which was as recent as August 1920.

"The stream of the spidiers are now in this decire with the defense.

Dr. H. i. O'Connor, the physician with a number of attended Louis H. Hilliard some years ago for pains in his head, was the first ago for pains in his pain ago for pains in his head, was the first ago for pains describe from the insane payillon to the several days, and is under the care of Morgue twelve times on Dec. 13 to find a dector. Dr. H. B. O'Connor, the physician ware on Hilliard's body. Jackson testified this morning, and he expects to be out in

witness called by the defense.

What was he suffering from asked ontil 10.30 A. M. to-merrow.

by Minnock of telling Davis to give tillihard "a good licking," denied using Way Found Lying Unconscious in Accounter manus and acute gistrits.

Trobled Dr. O'Connor.

Dr. O'Connor said that he knew Hill-bard was a hard drinker.

He said that when he called on Hill
The morning session was devoted all of the hear. of the heart.
The morning session was devoted al-

who performed an autopsy on Hilliard. He said death was caused by strangu-Dr. Donlin had testified that Hilliard's heart was in this way.

George A. Hanseom, a private in the regular army, stationed at Fort David.

On cross-examination it was snown that the bad condition of Hilliard's heart might have been caused by overgential in swinning and bicycle races at Narraganseit Beach, where he was considered a professional.

Germany's Choice Rejected. BERLIN, Feb. 18.-The negotiations I for the appointment of Mon. Zorn you Bulach as Blanco of Metz are, it is reboat." Hanscom testified. "I heard him say that he had had a good time during the past week."

Walker C. Gordon, a pupil nurse in the Week of the past week."

Walker C. Gordon, a pupil nurse in the been defeated by French influence.

tion for Mayor by Tammany or by any expect any aomination for Mayor, and other party. Not one word about taken no step has been taken by the Brook-

EX-GOV. STONE ILL.

terest in the bltuminous coal regions William Jickson, fe ethone operator at the levie, was the next witness. Mn. attack of the grip. Mr. Stone has for the purpose of limiting the bitumin-nick testified that he had heard Davis been forced to keep to his room for our production.

> withtes. discondition was slightly improved

C. H. DONNELLY IS DEAD.

Harlem Street. Charles H. Donnelly, the man whe

One Hundred and Second street and The latter was very violent.

"What kind of a heart would the au- Donlin, Coroner Fitzpatrick's physician, lem Hospital. lem Hospital. Donnelly had lived at 1563 Lexington

WEATHER FORECAST.

The forceast for the thirtysix hours cuding at 8 P. M. Taesday, for New York City and vicinity-Generally fair to-night and Tuesday; fresh northwest wluds.

COAL COMBINE DOES NOT KEEP RECORDS. UNSATISFA

J. PIERPONT MORGAN IN HIS OFFICE

Witness at the Inquiry Into Trust Methods Says Agreements to Raise Prices May Be Possibly Made by Hypnotism.

James E. Childs Admits the increase in Prices and that There is an Agreement Pending for a Still Larger Increase.

"Records are bad things to

"There are many li

The railroad coal combine, of which J. Pierpont Morgan is credited with being the guiding financial spirit, was Testimony of the Dead.

After recess Mr. Cantwell effered the death certificate of Mrs. Julia Slayton but as the stenographer who took her testimony was not present this testimony was not present this testimony went over until to-morrow. Mrs. Slayton is the winess who saw Kennedy on the 12.5 boat.

After J. Wagner, a. hack driver at St. George, 8. 1.

"I was standing at the gate as St. George, 8. 1.

"I was standing at the gate as St. George, Was 1. Out in her usual composed manner. George when the boat arrived," he said. Dr. Kennedy, as one of the last ones of the post. I asked the gentleman if the subject of a scorching investigation

companies for 60 per cent, of the tidewater price, the railroads taking all the

"They can best answer that question."

Is it not a fact that only a very small proportion of the authracite colused here is shipped by independent operators?"

"Yes, sir: naturally."

"The railroads?"

The money to carry through this deal was loaned by the O. & W. RR., which made a contract to carry all the coal of this combination. It secured a similar contract with the Scranton Company.

Mr. Childs said that the average price of coal in 1899, at tide water, was \$3.49 3-19, and in 1900 \$3.75 6-10. At the present time he said the average price was which is an advance of over 50 cents in

What Caused the Rise. The rise, he explained, was due to did not think the advance in the wages

anthracite coal roads to acquire an in-

erest in the bituminous coal regions. Rockefellers interested in a number of these coal roads, but I don't think your production.

"That is beyond my ken," replied the community of interest."

A Community of Interest. "What effect would the no-called com

Asked what amount of coal he had in suid about 50,000,000,000 tons. "Is there any plan that you know

bring your road into the 'community f interest' scheme?" "None that I know of." "How would the public and your stockholders fare it your road was taken into the community of interest?"

"I can't say,"
"What is the sentiment of your offi-"I don't know."

Asked About Mr. Morgan. "Is Mr. Morgan, Mr. Rockefeller of Mr. Vanderbilt a stockholder in the Admirals to that office.

the other. PUSHING UP THE PRICE

OF COAL A FINE ART.

crystalized into one sentence: "Competition is criminal when it de-

The Evening World's artist, Kate Carew, sketched Mr. Morgan

in his office. The picture here presented is a "true bill." None of

the photographer's cunning has been used to dress up this human

Cocument. In the corner is Mr. Morgan's signature, worth unreck-

Price at tidewater, 19:0. The above figures were given by General Manager Childs, of the

Ontario and Western, at the Trust inquiry to-day. When asked about a probable combination of the anthracite and bituminous coal

rg when the boat arrived, he said.

Sennedy was one of the last ones to be one of the last on

oned millions

ment.

At the afternoon session Mr. Fred E. Saward, editor of the Coal Trade Journal, was the first witness. His knowly their coal for 40 per cent, of the tide-water arise plus 5 cents, a ton for ter-water arise plus 5 cents a ton for ter-water arise plus 5 cents.

"I should say 10,000,000 tons."
"Are there any independent dealers?"
"Yes, sir."
"Are they permitted to ship here all the coal they want?"
"They can best answer that question."

What the Railroads Get.

"About \$4.25 wholesale."

"How much of that do the railroads that a conference of the steel and from

"Forty per cent."
"Have there been many changes in the orice of coal in the last five years?" Yes, sir, Mr. Saward said that the fluctuations a the price of coal between years of prosperity and depression were 15 per

to an increased demand. He said he did not think the advance in the wages of miners had anything to do with this increase.

Mr. Childs was asked if there was not a movement gfoot on the part of the anthracite coal roads to acquire an interest in the bituminous coal regions for the purpose of limiting the bitumin-

'Is not a community of interest a good reason for the fixing of a general

munity of interest have on competition?" was asked.
"I don't know what is anticipate," replied Mr. Childs. "SOME STRANGE THINGS HAVE BEEN DONE IN WALL STREET LATELY."

On the question of wages, Mr. Childs and have the arbitrary power of fixing the price to the last penny the public will stand."
"The would not a community of interest have the arbitrary power of fixing the price to the last penny the public will stand."
"They would have the power, but I don't think they would exercise it."
"Could all the roads produce more coul?"

THANKS FOR SAMPSON

Bill for His Benefit Reviving Vice-Admiral Grade in Senate. WASHINGTON, Feb. 18 .- Senator tee on Naval Affairs, to-day introduced a bill for the revival of the grade of . Held for New York Police.

Ontario and Western Road?"

The measure is in the interest of Additional William of May 10, 1900, is held here in the interest of Additional with the local authorities for the New pew is one of the Board of Directors. tended to aid in solving the problem of recovered,

PUSHED HARD.

tions by the Industrial Commissi some of which go so deep into the details of the combination that he may

for refusing to answer questions of a impartial men who realize the responsi-bility of their mission, and will stand

MORE DETAILS OF BIG STEEL DEAL.

"Yes, sir. Even more so,"
Mr. Saward said that the independent operators were just as interested to get a light price for their preduct as the railroads, and that their public offer to take the coal in tide water for \$2.40 was made only for the purpose of getting their public of way.

The marked gains and strength shown to-day by the preferred shares of some of the steel and iron companies, gave rise to the belief that definite terms had the right of way. Nothing in the way of an official state "What is the present price of hard ment was forthcoming, however,

Metropolkan Club. One of the lawyers engaged in drawing up the papers of the proposed combine, said that he had not heard of such a meeting.

The latest report dealing with the capitalisation of the consolidated com-pany makes it \$400,000,000 7 per cent. preferred stock and \$100,000,000 comm stock, with \$300,000,000 of first mortgage

It is also said that the Carnegie interests will not only get bond for bond, but \$105,500,000 of the preferred stock of the new company and the same amount

of common stock.

This will leave but \$291,500,000 preferred stock and the same amount of the common tsock of the new company, "Is not a community of interest a good reason for the fixing of a general price."

"The present price is a fair and profitable one. I don't think it will be increased."

"Would not a community of interest have the arbitrary power of fixing the price to the last penny the public will stand?"

"Taev would have the power, but I don't think they would exercise it."

"Could all the roads produce more coal?"

"Ob, don't ask such foolish questions."

"Why don't these roads produce more coal?"

"Because they could not sell !! with profit."

their promotion, as well as of other officers who served with them in the Spanish war.

Senator Hale also introduced a Joint resolution calling for a vote of thanks Hale, Chairman of the Senate Commit- under him in the Cuban campaign.

Vice-Admiral in the Navy and authoriz-ling the President to appoint two Rear-ling the President to appoint two Rear-shooting his niece, Rosina Chieffo, in

Col. Murphy Will Again Demand Bridge

ROSSITER'S EXPLANATION

He Says Department of Bridges Refused to Consider His Plan.

President Michael C. Murphy, of the pard of Health, received to-day what ie terms an unsatisfactory letter from, President Rossiter, of the Brooking b) the Health Board's order that something be done to properly shelter the company's patrons at the Machattan ter.

The letter follows:
"Hon. Michael C. Murphy, Dear Sir:

Your letter of the 4th inst. regarding conditions existing at the Manhattan ceived. I beg to assure you that it is adequate protection to its patrons, and for this purpose it has been our practice in cold weather, during the past three years, to stand a heated car on room during the night hours, when the "The matter of creeting shelter at this began to operate surface cars across totaken for a sultable shelter, which were

submitted to the Department of Bridges.

After due consideration by that depart-

ment it was decided that such a shelter would be impracticable. "I quote from a letter from the Department of Bridges at that time, follows: We have considered the prosition of erecting a partition across end of the station building with swi ing doors, but when we consider hours we were convinced that swing doors were a nuisance and might is "We also considered a plan to inch

"We also considered a plan to inche a small space, but in order to satisfactorily handle the immense throngs it necessary to avoid even the slighten obstruction, and for this reason the play was rejected. Yours respectfully, "C. L. ROSSITER."

"This letter quoting from the Department of Briages does not by any means close the incident." said President Murphy. "I will look up the records of that department and see what were the plans which the Commissioners wild

MUSEUM REOPENS EVENINGS

plans which the Commissioners would grove unsatisfactory."

Metropolitan Art Building Free to Public Monday and Friday Nights. After being closed for several months the Metropolitan Art Museum in Central Park will be reopened to the public free of charge on Monday and Friday

evenings from 8 till 10 o'clock. The reopening of the museum evenings has been eagerly looked forward to by grat numbers of persons who are unable to visit it during the afternoon. It has been undergoing repairs and has been furnished with better appliances for lighting the pictures.

'QUITE UNTRUE,' BRITISH SAY Denial of Report that Kruger Was

to Surrender. LONDON, Feb. 18.-The Foreign Office here declares the statement that Mr. Kruger has asked Great Britain to set forth the terms upon which peace will be announced in South Africa to be quite

FELL FROM CHAIR TO DEATH.

Four-Year-Old Philip Yarmus Dice from Injuries After Aceldent. Philip Yarmus, four years old, died today at his home, 104 Allen street. Last Monday he fell from a chair, inflammation of the spinal cord set in and death resulted.

DIDN'T OUIT

Because She Never Started.

Many people have been interested in the reports of persons made ill by offee drinking and cured by quitting and using Postum Food Coffee. Of course, the leaving off of the poison of coffee by highly organized people whose systems are affected by it is a great help in itself, but the biggest end of the help is in the elements furnished by Postum Food Coffer. This is a true food drink of the high

to tea or coffee drinking was reduced by stomach trouble to a condition of nervous prostration with heart troua weak condition that the doctors said she could not get well, and at was thought she would live but

Some one brought Postum Food ing medicine and went to using Pose tum. She says: "It did not sour on my stomach, and I began to fec' better at once. I kept on using it day after day and now am well and strong and have better health than I have had for years, and am most sin-Coffee was invented and I was led to

use it."
This is a direct evidence of the fact. that has so often been stated that Postum is a nourishing food drink containing the elements of phosphate of potash and albumen that go to build up the gray matter in the nerve cells in the brain and all over the body. It does not contain medicine of any sort or kind, only the elements placed in the cereals of the field by the Almighty Creator, and selected

and made use of in the form of a liquid food by the inventor.

"My husband is a grocer and has been out of health for some time past. Since he has found what Postum has done for me he has oult displing. Since he has found what Postum has done for me he has quit drinking, coffee and been using Postum for quite a little time. He has improved greatly; sleeps well nights, and says he has given up coffee entirely."

This lady lives at Great Bend, Kan.
Name can be furnished by the Postum Cereal Co., Ltd., at Battle Creek, Mich.

est character.

A lady who has never been addicted